

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

4:21CV3042

Plaintiff,

**MEMORANDUM
AND ORDER**

vs.

BRAD JOHNSON, et al.,

Defendants.

This matter is before the court on Plaintiff's motion for permission to file motions to compel discovery (Filing 140), in which Plaintiff asks the court "to set a date before the deadline of 09 June 2022 for this plaintiff to file said motions to compel discovery from the defendants." The court does not understand this request. The case progression order specifies that "[m]otions to compel discovery shall be filed on or before June 9, 2022" (Filing 87, ¶ 3), and a motion to compel discovery was received from Plaintiff and filed on April 28, 2022 (Filing 129). No further permission was required from the court for such filing.

A motion to compel discovery may be filed under Rule 37 of the Federal Rules of Civil Procedure to compel a party to respond to previously served discovery requests. It cannot be used as a vehicle to conduct new discovery, which perhaps is what Plaintiff has in mind. The deadline for serving discovery requests expired on March 21, 2022 (see Filing 87, ¶ 1), and Plaintiff has not shown good cause for modifying the progression schedule. *See* Fed. R. Civ. P. 16(b)(4).

IT IS THEREFORE ORDERED that Plaintiff's motion for permission to file motions to compel discovery (Filing 140) is denied.

Dated this 1st day of June, 2022.

BY THE COURT:

Richard G. Kopf

Richard G. Kopf
Senior United States District Judge